

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

**ST. JUDE CHILDREN'S RESEARCH  
HOSPITAL, INC.,**  
a Tennessee Not-For-Profit Corporation,

**Plaintiff,**

**vs.**

**QUEST DIAGNOSTICS INCORPORATED,**  
a Delaware Corporation,

**Defendant.**

**QUEST DIAGNOSTICS INCORPORATED,**  
a Delaware Corporation,

**Counter-Claimant,**

**vs.**

**ST. JUDE CHILDREN'S RESEARCH  
HOSPITAL, INC.,**  
a Tennessee Not-For-Profit Corporation,

**Counter-Defendant.**

**Case No. 2:08 CV 02299**

**STIPULATION OF DISMISSAL**

Pursuant to Fed. R. Civ. P. 41, Plaintiff/Counter-Defendant St. Jude Children's Research Hospital ("St. Jude") and Defendant/Counter-Claimant Quest Diagnostics Incorporated ("QDI"), (collectively the "Parties"), by and through their respective counsel of record, subject to the approval of the Court, stipulate that, pursuant to a settlement agreement between the Parties, St. Jude's complaint against Quest shall be, and hereby is, dismissed with prejudice, and Quest's counterclaims against St. Jude shall be, and hereby are, dismissed without prejudice, with each party to bear its own attorney fees and costs.

DATED: December 9, 2009

By: s/ Glen G. Reid, Jr.

Glen G. Reid, Jr. (TN Bar # 8184)

**Wyatt, Tarrant & Combs, LLP**

1715 Aaron Brenner Drive; Suite 800

Memphis, TN 38120

Tel: (901) 537-1000

Fax: (901) 537-1010

greid@wyattfirm.com

AND

Jesse J. Jenner, Esq.

Christopher J. Harnett, Esq.

Michael S. Burling, Esq.

Jamie L. Lucia, Esq.

**ROPES & GRAY L.L.P.**

1112 Avenue of Americas

New York, NY 10036-8704

Tel: (212) 596-9000

**Attorneys for Plaintiff and Counter-Defendant  
ST. JUDE CHILDREN'S RESEARCH HOSPITAL**

DATED: December 9, 2009

By: s/ Charles F. Morrow

Charles F. Morrow (TN Bar # 13890)

**Butler, Snow, O'Mara, Stevens & Cannada, PLLC**

6075 Poplar Avenue; Suite 500

Memphis, TN 38119

Tel: (901) 680-7317

Fax: (901) 680-7201

chip.morrow@butlersnow.com

AND

Martin R. Lueck, Esq.

Emmett J. McMahon, Esq.

Julia D. Klein, Esq.

Lars P. Taavola, Esq.

Sharon E. Roberg-Perez, Esq.

**ROBINS, KAPLAN, MILLER & CIRESI L.L.P.**

2800 LaSalle Plaza

800 LaSalle Avenue

Minneapolis, MN 55402

Tel: (612) 349-8500

Fax: (612) 339-4181

**Attorneys for Defendant and Counter-Claimant  
QUEST DIAGNOSTICS INCORPORATED**

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing has been served on all counsel of record via the Court's ECF system, this the 9th day of December, 2009.

/s/ Glen G. Reid, Jr.